

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

<b>In Re:</b> <b>DEAN A. GUTIERREZ, SR.</b>	§ § § §	<b>BANKRUPTCY NO: 16-70482-M-13</b>  <b>Chapter 13</b>
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**EXPEDITED MOTION TO SHORTEN RESPONSE TIME ON  
MOTION TO CONVERT TO CHAPTER 11  
RULE 9013 NOTICE**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

**TO THE HONORABLE JUDGE OF SAID COURT:**

Debtor Dean Gutierrez, Sr. files this Expedited Motion to Shorten Response Time on the Expedited Motion to Convert to Chapter 11, and in support would show the following:

1. Concurrent with the filing of this motion, Debtor filed the expedited above-referenced motion. Debtor Gutierrez, Sr. requests that the Court shorten the response time on said Motion from twenty-one (21) days to three (3) days from the date of service; any objections to the motion shall be filed no later than 8:00 a.m. on January 13, 2017.

2. Debtor Gutierrez, Sr. requests that the matter to be considered expeditiously because the Chapter 13 Trustee has filed a motion to dismiss alleging that the Debtor does not qualify to prosecute a Chapter 13 case and the Debtor must obtain substitute counsel immediately, continue to prosecute his Chapter 11 case, file MORs, and file his appropriate Chapter 11 Plan of reorganization expeditiously.

WHEREFORE PREMISES CONSIDERED, Debtor Gutierrez, Sr. pray that the Court enter an Order shortening the response time on the motion to three (3) days, and that the Court grant any and all further relief to which they may show themselves justly entitled.

Dated: January 10, 2017.

Respectfully submitted,

Law Office of Antonio Martinez, Jr., P.C.

/s/ Antonio Martinez, Jr.

Antonio Martinez, Jr., Attorney for Debtor(s)

Bar No.: 24007607

317 Nolana St., Suite C

McAllen, Texas 78504

Phone: (956) 683-1090

E-Mail:

[martinez.tony.jr@gmail.com](mailto:martinez.tony.jr@gmail.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on copy of the foregoing Motion to Shorten was served on the date that the Motion to Shorten was filed electronically. Service was accomplished by the method and to the following as indicated:

/s/ Antonio Martinez, Jr.

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

#### **DEBTORS:**

Dean A. Gutierrez, Sr. .  
2610 Rosalee Dr.  
Brownsville, Texas 78521

#### **U.S. TRUSTEE**

606 N. Carancahua Ste. 1107  
Corpus Christi, TX 78401

Antonio Martinez, Jr.  
317 W. Nolana Ave. Suite C  
McAllen, TX 78504  
*LEAD COUNSEL FOR DEBTOR*

and to all creditors on the attached matrix.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**In Re:** § **BANKRUPTCY NO: 16-70482-M-13**  
**DEAN A. GUTIERREZ, SR.** §  
§  
§ **Chapter 13**

**DECLARATION**

COMES NOW Antonio Martinez, Jr., who declares under penalty of perjury as follows:

“My name is Antonio Martinez, Jr.. I reside in Hidalgo County, Texas. I am over 18 years of age, am qualified and competent to make this declaration, have personal knowledge of the facts e stated herein, and state that each statement made herein is based on personal knowledge and is true and correct. I am an attorney licensed by the State of Texas and represent Dean Gutierrez, Sr. in Chapter 13 proceeding, Case No. 16-70482.

I, as counsel for the Debtor filed an *Expedited Motion to Shorten Response Time on the Expedited Motion to Convert*, (“*Motion*”). The Debtor requests the Court consider the Motion on an expedited manner because the Chapter 13 Trustee has filed a motion to dismiss alleging that the Debtor does not qualify to prosecute a Chapter 13 case and the Debtor must obtain substitute counsel immediately, continue to prosecute his Chapter 11 case, file MORs, and file his appropriate Chapter 11 Plan of reorganization expeditiously.

If the extension is not granted, the Debtor will be seriously and irreparable harmed, resulting in significant losses to the Debtor’s estate and creditors.

Shortening the notice period will not prejudice any parties in interest.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 10, 2017.

s/ Antonio Martinez, Jr.  
Antonio Martinez, Jr.

Label Matrix for local noticing  
0541-7  
Case 16-70482  
Southern District of Texas  
McAllen  
Mon Jan 9 17:28:27 CST 2017

FRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

United States Bankruptcy Court  
1133 North Shoreline Blvd #208  
Corpus Christi, TX 78401-2042

Cameron County  
c/o Diane W. Sanders  
Linebarger Goggan Blair & Sampson, LLP  
P.O. Box 17428  
Austin, TX 78760-7428

Christopher Lee Phillippe  
248 Billy Mitchell Blvd.  
Brownsville, TX 78521-5003

E. Lee Zieger  
12 Laguna Madre Dr.  
Laguna Vista, Texas 78578-2602

Harley Davidson Credit Corp.  
Dept 15129  
505 North Cumberland Ave., Ste 307  
Chicago, IL 60656-1471

Harley-Davidson Credit Corp.  
PO Box 9013  
Addison, Texas 75001-9013

(p)HUNTER KELSEY OF TEXAS  
3432 GREYSTONE DR  
STE 100  
AUSTIN TX 78731-2357

Hyundai Capital America DBA  
Hyundai Motor Finance  
PO Box 20809  
Fountain Valley, CA 92728-0809

Hyundai Financial  
P.O. Box 20829  
Fountain Valley, CA 92728-0829

INTERNAL REVENUE SERVICE  
P O Box 7346  
Philadelphia PA 19101-7346

LACKS  
Pharr, TX 78577

Law Office of Antonio Martinez, Jr., P.C  
409 Nolana St., Suite 4  
McAllen, Texas 78504-3093

Melissa Gutierrez  
2610 Rosalee Ave.  
Brownsville, TX 78521-2558

Rio Bank  
3401 Old Hwy 77  
Brownsville, TX 78520-9844

Santander Consumer USA Inc.  
P.O. Box 560284  
Dallas, TX 75356-0284

Santander Financial  
Dallas, Texas

TARGET CARD SERVICES  
3901 West 53rd Street  
Sioux Falls, SD 57106-4216

Texas Workforce Commission  
Regulatory Integrity Division - SAU  
Room 556  
101 E. 15th Street  
Austin, TX 78778-0001

US Trustee  
606 N Carancahua  
Corpus Christi, TX 78401-0680

Antonio Martinez Jr  
Attorney at Law  
317 W. Nolana  
Suite C  
McAllen, TX 78504-1302

Antonio Martinez Jr.  
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Suite C  
McAllen, TX 78504-1302

Cindy Boudloche  
Chapter 13 Trustee  
555 N Carancahua  
Ste 600  
Corpus Christi, TX 78401-0823

Dean Gutierrez Sr.  
2610 Rosalee Ave.  
Brownsville, TX 78521-2558

Eldon Lee Zeiger  
c/o Barry Benton  
284 Ebony Ave.  
Brownsville, TX 78520-8014

Hunter Kelsey  
3432 Greystone Dr.  
Austin, Tx 78731

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Cameron County	(d)PRA Receivables Management, LLC	End of Label Matrix	
	PO Box 41021	Mailable recipients	25
	Norfolk, VA 23541-1021	Bypassed recipients	2
		Total	27